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Sponsored by: Carlson

First Reading: APR 21 1989
Substitute No. 2 to
COUNCIL BILL NO. 88-367

Second Reading: MAY 8 1989

GENERAL ORDINANCE NO. 4026

AN ORDINANCE

AMENDING Chapter 8, Buildings, and Chapter 36, Article II - Subdivision Regulations, of the Springfield City Code, by deleting existing provisions relating to floodplain regulation, and by amending Chapter 36, Article V - Building Code, Chapter 36, Article III - Building Trades Appeals and Licensing, and Chapter 36, Article II - Subdivision Regulations, of the Springfield City Code, by adopting new provisions relating to the same subject.

WHEREAS, the flood hazard areas of the City of Springfield are subject to periodic inundation, which results in loss of life or property, and causes health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages; and

WHEREAS, the City Council desires to adopt ordinance provisions to provide for regulated growth in flood hazard areas in order to minimize loss from flooding.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows:

Section 1 - That Chapter 8, Buildings, of the Springfield City Code, is hereby amended by deleting Article V, Building Restrictions in Flood Plains.

Section 2 - That Chapter 36, Article V - Building Code, is hereby amended by adding one new Section relating to flood resistant construction, which shall read as follows:

"Section 2102.0. Flood Resistant Construction.

2102.1.1. Definitions: For the purpose of this Article, the following terms shall have the following meanings:

(a) Base flood. Means the flood having a one percent chance of being equalled or exceeded in any given year.

(b) Basement. Means any area of the building having its floor below ground level on all sides.

(c) Development. Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(d) Existing manufactured home park or subdivision. Means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of this ordinance.

(e) Existing structures. Means structures for which the start of construction commenced before the effective date of the FIRM.

(f) Flood or flooding. Means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

(g) Flood Hazard Zones. Means the land within the City subject to a one percent or greater chance of flooding in any given year.

(h) Flood plain or flood-prone area. Means any land area susceptible to being inundated by water from any source.

(i) Flood Proofing. Means any combination of structural and non-structural additions, changes, or adjustments to structures, which would reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(j) Floodway. Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than six inches.

(k) Lowest floor. Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(l) Manufactured home. Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, this term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

(m) Manufactured home park or subdivision. Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(n) New construction. For flood plain management purposes, means structures for which the start of construction commenced on or after the effective date of this ordinance. For flood insurance purposes, means structures for which the start of construction commenced on or after the effective date of the FIRM.

(o) Start of construction. Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(p) Structure. Means a walled and roofed building that is principally above ground, a manufactured home, or a gas or liquid storage tank that is principally above ground.

(q) Substantial improvement. Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the

purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

2102.1.2. Interpretation: In the interpretation and application of BOCA Code Section 2102, all provisions shall be considered as minimum requirements, liberally construed in favor of the City, and deemed neither to limit nor repeal any other powers granted under state statutes.

2102.1.3. Application: The provisions of Section 2102 shall apply to all new construction, substantial improvement, or other development in a flood hazard zone, including the placement of manufactured homes, regardless of whether these are actually mentioned or not.

2102.1.4. General: All buildings and structures erected in areas prone to flooding shall be constructed and elevated as required by the provisions of this section.

2102.1.5. Flood insurance study: The Federal Emergency Management Agency has prepared a scientific and engineering report entitled "The Flood Insurance Study for the City of Springfield, Missouri, Greene County", dated January 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps. These documents, with any revisions thereto, are hereby adopted by reference and shall be used as the "Elevation data source" under BOCA Code section 2102.2.1, unless more recent or more accurate information is available. These documents are on file in the offices of Public Works and Community Development.

2102.1.6. Regulations: The Director of Building Regulations is hereby appointed the Local Administrator for purposes of the FEMA regulations, and is authorized to adopt regulations as necessary to implement and enforce the provisions of Section 2102 and ensure full compliance with FEMA regulations.

2102.2 Base flood elevation: The base flood elevation shall be used to define areas prone to flooding, and shall describe, at a minimum, the depth or peak elevation of flooding (including wave height) which has a one percent (100-year flood) or greater chance of occurring in any given year.

2102.2.1 Elevation data sources: In identifying areas prone to flooding, the governing body having jurisdiction shall utilize the most current published flood elevation data available and such areas shall be identified accordingly on an official flood hazard map.

Note: The most recent Flood Insurance Rate Map published by the Federal Emergency Management Agency shall be considered in establishing the official flood hazard map.

2102.3 Hazard zones: Areas which have been determined to be prone to flooding shall be classified as either flood hazard zones (A Zones) or high hazard zones (V Zones) in accordance with Sections 2102.4 and 2102.5.

2102.4 Flood hazard zones (A Zones): All areas which have been determined as prone to flooding but not subject to high velocity waters and/or wave action shall be designated as Flood Hazard Zones. All buildings and structures erected in Flood Hazard Zones shall be designed and constructed in accordance with Sections 2102.4 through 2102.4.4.

2102.4.1 Elevation: All buildings or structures erected within a flood hazard zone shall be elevated so that the lowest portion of all horizontal structural members supporting floors, excluding footings, pile caps, piling, non-structural slabs, girders and grade beams, are located at or above the base flood elevation. All basement floor surfaces shall be located at or above the base flood elevations.

Exceptions

1. Floors usable for human occupancy below the base flood elevation in buildings or structures of all use groups except Use Group R shall conform to Section 2102.4.4.
2. Floors of buildings or structures of any use group which are used solely for structure egress, incidental storage garages, and parking and which are located below the base flood elevation shall conform to Section 2102.4.3.

2102.4.2 Anchorage: The structural systems of all buildings or structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the base flood elevation.

2102.4.3 Enclosures below base flood elevation: Enclosed spaces below the base flood elevation shall not be used for human occupancy with the exception of structure egress, entrance foyers, stairways, and incidental storage. Fully-enclosed spaces shall be provided with vents, valves, or other openings which will automatically equalize the lateral pressure of flood waters acting on the exterior wall surfaces. The bottom of the openings shall be not lower than

12 inches (305 mm) and not higher than 24 inches (610 mm) above finished grade. A minimum of two openings per building, or one opening for each understructure space, whichever is greater, shall be required.

2102.4.4 Water-resistant construction: Buildings or structures of any use groups except Use Group R shall, in lieu of meeting the elevation provisions of Section 2102.4.1, be erected with floors usable for human occupancy below the base flood elevation provided that the following conditions are met:

1. All space below the base flood elevation shall be constructed with walls and floors that are substantially impermeable to the passage of water.
2. All structural components subject to hydrostatic and hydrodynamic loads and stresses during the occurrence of flooding to the base flood elevation shall be capable of resisting such forces, including the effects of buoyancy.
3. All openings below the base flood elevation shall be provided with water-tight closures and shall have adequate structural capacity to support all flood loads acting upon the closure surfaces.
4. All floor and wall penetrations for plumbing, mechanical and electrical systems shall be made water-tight to prevent flood water seepage through spaces between the penetration and wall construction materials. Sanitary sewer and storm drainage systems that have openings below the base flood elevation shall be provided with shutoff valves or closure devices to prevent back-water flow during conditions of flooding.

2102.5. Flood hazard zone boundaries: Where interpretation is needed as to the exact location of the boundaries of the flood hazard zones, the Director of Public Works shall make the necessary interpretation.

2102.6 Protection of mechanical and electrical systems: New and replacement electrical equipment, and heating, ventilating, air conditioning and other service equipment shall be either placed above the base flood elevation or protected so as to prevent water from entering or accumulating within the system components during floods up to the base flood elevation. Installation of electrical wiring and outlet, switch, junction boxes and panels below the base flood elevation shall conform to the provisions of NFPA 70 listed in Appendix A for location of such items in wet locations. Duct insulation subject to water damage shall not be installed below base flood elevation.

2102.7 Mobile units: New or replacement mobile units to be located in any hazard zone shall be placed in accordance with the applicable elevation requirements of Sections 2102.4.1 and 2102.5.1 and the anchor and tie-down requirements of Section 621.3.1.

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2102.7.1. Applicability: This section applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. Such an expansion consists of the preparation of addition sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). This section does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction or improvement has commenced.

2102.8 Alterations and repairs: Alterations and repairs to buildings located in any hazard zone shall require code compliance with Sections 103.0 and 119.0 except that in the case of damages or cost of reconstruction or restoration in excess of 50 percent of its replacement cost, the requirements of Section 120.4 shall apply.

2102.9 Increases in building height and floor area: Any increases in height or floor area of a building in any hazard zone shall be built in accordance with the provisions of Section 505.2.

2102.10 Certifications: Certifications shall be submitted in accordance with Sections 2102.10.1 through 2102.10.3.

2102.10.1 As-built elevation certifications: A licensed land surveyor, registered architect or professional engineer shall certify the actual elevation (in relation to mean sea level) of the lowest structural member required to be elevated by the provisions of this section.

2102.10.2 Water-resistant construction: In the case of buildings or structures to be constructed in accordance with Section 2102.4.4, the code official shall require that a registered professional architect or engineer provide plans and specifications showing details of floor, wall and foundation support components, loading computations and other essential technical data used in meeting the conditions of 2102.4.4. Said plans and specifications shall be accompanied by a statement bearing the signature of the architect or engineer indicating that the design and methods of construction proposed are in accordance with all applicable provisions of Section 2102.4.4.

2102.11. Floodways.

2102.11.1. Regulatory floodway: Encroachments, including fill, new construction, substantial improvements, and any other development within the adopted regulatory floodway, are prohibited, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the City during the occurrence of the base flood discharge.

2102.11.2. Pre-regulatory floodway: Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the flood hazard zone, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot [six inches] at any point within the City.

2102.11.3. Jordan Valley: Jordan Valley, as shown on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be governed by Section 2102.11.2 and 44 CFR Section 60.3(c)(10) rather than Section 2102.11.1 in the following area: From Main Avenue east, continuing on the North Branch as far as Sherman Avenue, and continuing on the South Branch as far as East Trafficway.

2102.12. Grant of approval no warranty: The degree of flood protection required by Section 2102 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. Section 2102 does not imply that land outside the flood hazard zones or uses permitted within such areas will be free from flooding or flood damages. Granting of approval of any building or structure shall not constitute a representation, guarantee, or warranty of any kind or nature by the City of Springfield or by an officer or employee thereof of the practicability or safety of any building or structure or other plan proposed, and shall create no liability upon or cause of action against such public body, officer or employee for any damage that may result from reliance on Section 2102 or any administrative decision lawfully made thereunder.

2102.13. More restrictive law to apply: BOCA Code Section 2102 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where Section 2102 or any part thereof conflicts with the whole or any part of any other ordinance of the City of Springfield now or hereinafter in existence, the more restrictive provision shall in such case apply."

NOTE: The underlined language in Section 2102.11 has been added; the bracketed language [thus] has been deleted.

Section 3 - That Chapter 36, Article III - Building Trades Appeals and Licensing, of the Springfield City Code, is hereby amended by adding one new Section relating to requests for variances and exceptions from the floodplain regulations in the BOCA Code, which Section shall read as follows:

"Section 36-301.2. Variances and Exceptions from Section 2102 of the BOCA Building Code.

(a) The Board of Building and Housing Appeals shall hear and decide (1) requests for variances from the requirements of Section 2102, to allow construction in a manner otherwise prohibited, where specific enforcement of Section 2102 would result in unnecessary hardship, and (2) appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Director of Building Regulations or the Director of Public Works in the enforcement or administration of Section 2102. Any person aggrieved by the decision of the Board of Building and Housing Appeals may appeal such decision to the Greene County Circuit Court in accordance with the provisions of Chapter 536 RSMo.

(b) In passing upon such applications, the Board of Building and Housing Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of the Building Code, and:

- (1) the danger that materials may be swept onto other lands to the injury of others;
- (2) the danger to life and property due to flooding or erosion damage;
- (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) the importance of the services provided by the proposed facility to the City;

(5) the availability of alternative locations, not subject to flooding, for the proposed use;

(6) the compatibility of the proposed use with existing and anticipated development;

(7) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(8) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and

(10) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and street and bridges.

(c) Conditions for Variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the paragraphs below. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the four criteria above are met and further that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(e) Variances may be issued by the Director of Building Regulations for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, without being required to proceed before the Board of Building and Housing Appeals.

(f) Any applicant whose request for a variance is granted shall be notified in writing that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation, and also notified that such construction below the base flood level increases risks to life and property."

Section 4 - That Chapter 36, Article II - Subdivision Regulations, of the Springfield City Code, is hereby amended by deleting Section 409, Flood Areas, and enacting one new section in lieu thereof which shall read as follows:

"Section 409. Flood Areas.

(1) Special provisions shall apply within Zone A on the City's Flood Insurance Rate Maps or Flood Hazard Boundary Maps, and within such parts of Zones B and C on said Maps as are required by the Director of Public Works to be protected. In these areas, subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in an area of special flood hazard (as defined in BOCA Code Sec. 2102 and regulations thereunder), any such proposal shall be reviewed to assure that:

(a) All such proposals are consistent with the need to minimize flood damage;

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize flood damage; and

(c) Adequate drainage is provided to reduce exposure to flood hazards.

(2) All preliminary and final plats, and all other subdivision proposals and proposed new development (including minor subdivisions and proposals for manufactured home parks or subdivisions) shall include within such proposals base flood elevation data.

(3) Development within areas shown on the City's Flood Insurance Rate Maps or Flood Hazard Boundary Maps as Zone A, or

specified by the Director of Public Works as an area to be protected within Zones B and C, shall be governed by the provisions of the BOCA Code and regulations adopted thereunder.

(4) The Director of Public Works shall have authority to designate areas within Zones B and C as areas which are unsuitable for development, and must be preserved as open space."

Section 5 - Savings Clause. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 6 - Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 7 - Penalty Clause. Any person found guilty of violating this ordinance shall be penalized in accordance with Section 1-7 of the Springfield City Code or as otherwise provided in Chapter 36, Articles II, III, and V.

Section 8 - This ordinance shall be in full force and effect from and after passage.

Passed at meeting: MAY 8 1989

Thomas Carlson
Mayor

Attest: [Signature] City Clerk

Approved as to form: [Signature] City Attorney

Approved for Council action: [Signature] City Manager

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|----------------------|------------|
| Aff. Agcy. Noticed | <u>N/A</u> |
| Emergency Required | <u>No</u> |
| P. Hrngs. Required | <u>No</u> |
| Fiscal Note Required | <u>No</u> |
| Bd. Action Required | <u>N/A</u> |

April 27, 1989

EXPLANATION TO Substitute No. 2 to COUNCIL BILL NO. 88 - 367

ORIGINATING DEPARTMENT: Law

PURPOSE: To adopt ordinance provisions and maps approved by the Federal Emergency Management Agency in order to enable the City to enter the federal flood insurance program.

REMARKS:

This ordinance is identical to the original ordinance with four exceptions. Two of these changes were made in Substitute No. 1:

(1) In Section 8 the effective date was changed from passage to the date on which FEMA accepts the City into the flood insurance program. Since FEMA may need two to six weeks to determine the eligibility of the City, and may impose conditions upon the City which could take an even longer time, we need to leave our existing ordinances in place until FEMA is satisfied and will allow the City into the federal flood insurance program.

(2) The other change was a minor rewording of the variance language requested by businesses in the Jordan Valley. The businesses feel that this rewording makes the language seem less restrictive. The standards required by the FEMA regulations still will apply to development.

This substitute bill revises the building code numbers to match the newly-adopted building code. The more important change is to Section 2102.11 will substantially improve its effect on businesses in the Jordan Valley. After substantial effort and communication with representatives of the Federal Emergency Management Agency, we have secured permission to eliminate the regulatory floodway in the main portion of Jordan Valley. This change is reflected in Section 2602.11 of the ordinance. With this change, the businesses in this area will be required to perform an engineering study and elevate or floodproof their new structures. The engineering study must show how much rise in the floodwaters will result due to their construction. The total of this rise plus all other rises due to construction since 1978 may not exceed one foot. Without this change, the businesses would be required to prove that no rise in the floodwaters will result - a virtually impossible standard to meet. Public Works believes that most construction will cause

minimal rise, and consequently this change will make new construction feasible where previously it was not.

Background: Approximately ten years ago the City elected not to enter the federal flood insurance program. Since that time various federal laws and regulations have changed, and at present numerous homeowners in floodplains are finding that they are unable to secure mortgages on their homes, making the homes difficult or impossible to sell. The proposed ordinance will adopt the minimum regulation required by the federal government to enable the City to enter the flood insurance program so that this insurance is available to City residents.

Since the early 1970's, the City has had floodplain regulations in place. Those regulations are more restrictive than FEMA requires in some aspects, but do not use the FEMA maps. The proposed ordinance will repeal the existing regulations set forth in the Chapter 8 of the City Code and in the Subdivision Regulations, and move the regulations to the BOCA Basic Building Code. Variance and exception provisions are being inserted in the ordinance which empowers the Board of Building and Housing Appeals, and new subdivision regulations are proposed. The repealed provisions are attached. In addition, the Director of Building Regulations will be authorized to adopt regulations regarding floodplain development. His proposed regulations are also attached.

The mapped floodplains include important commercial and industrial areas, as well as residential areas. Under the proposed ordinance, businesses in such areas will be restricted in constructing new buildings or adding to their existing buildings. The restrictions do not prohibit such construction or additions, but do make such construction more expensive than it would be outside a floodplain.

The major effects of entering the program then are as follows:

- (1) Insurance would become available to anyone in the City.
- (2) Loans would become available to property in the floodplain.
- (3) Federal disaster assistance would become available to the City for help with tornadoes, floods, and other disasters. (Since we are not in the insurance program, the federal government has the right to deny disaster assistance if it wants. If we enter the program, they would have to provide disaster assistance.)
- (4) The City would be allowed to spend federal grant funds to improve streets, buildings, and other property in the floodplains.
- (5) The new, more accurate, floodplain maps would be used. This will remove some property from the old mapped floodplains, and add other property that should have been included originally.

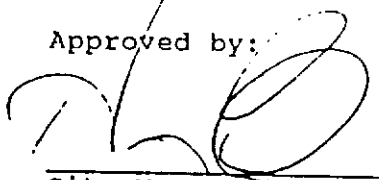
(6) New construction in the mapped floodplain would have to be elevated, unless a variance or exception was granted. As an alternative, commercial buildings may be floodproofed (designed so they will not be damaged by flooding). The only change here from the current ordinances is that different areas are covered by the maps, and currently we do not allow variances or floodproofing.

(7) New construction in the floodway (except Jordan Valley) would be prohibited if it would block the floodwaters and raise the flood level. In Jordan Valley the construction would be prohibited if it would raise the flood level more than one foot. These buildings also would have to be elevated or floodproofed. The only change here from the current ordinances is that different areas are covered by the mapped floodways, and we currently do not allow any construction in the designated floodways.

Submitted by:

Approved by:


City Attorney Assistant


City Manager

REGULATIONS REGARDING BUILDING RESTRICTIONS IN FLOOD PLAINS

Section 1. Purpose and applicability of regulations.

These regulations are adopted to complement and clarify the requirements of the BOCA Basic Building Code as adopted by the City of Springfield. It is the purpose of these regulations and Section 2102 of the BOCA Code to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
- (7) To insure that potential home buyers are notified that property is in a flood area; and
- (8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 2. Methods of Reducing Flood Losses.

In order to accomplish their purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion or to flood heights or velocities.
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.
- (4) Controlling filling, grading, dredging, and other development which may increase erosion or flood damage.
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodway waters or which may increase flood hazards in other areas.

Section 3. Duties of the Director of Building Regulations.

The duties of the Director shall include, but not be limited to, the following:

- (1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
- (2) Review permits for proposed development to assure that all necessary permits have been received from those federal, state, or local governmental agencies from which prior approval is required.
- (3) When base flood elevation data has not been provided in accordance with the flood insurance study, the Director shall obtain, review, and reasonably utilize any base flood elevation or floodway data available from a federal, state, or other source, including data developed pursuant to new subdivision proposals, in order to administer the provisions of BOCA Code Section 2102.
- (4) Verify, record, and maintain records of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (5) Verify, record, and maintain records of the actual elevation (in relation to mean sea level) to which the new or substantially improved structure has been floodproofed.
- (6) When floodproofing is utilized for a particular structure, the Director shall obtain certification from a registered professional engineer or architect.
- (7) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator.
- (8) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (9) Maintain a record of all variance actions, including justification for their issuance, and report such variances in the City's annual or biennial report submitted to FEMA.
- (10) When a variance is granted, maintain a copy of the notice to the applicant stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation, and that construction below the base flood level increases risks to life and property.

Section 4. Permits in flood hazard zones.

Permit applications for development in flood hazard zones shall include the following, where applicable:

(1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement;

(2) Elevation (in relation to mean sea level) to which any nonresidential structure was or is to be floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structures meet the floodproofing criteria set forth herein; and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.